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To: <bbrattain@waterboards.ca.gov>
Date: 04/07/2006 1:31:39 PM
Subject: General WDRs for Green Waste Composting

Bill --

We have not had sufficient time to provide adequate review within your time frame. Waste Management offers the following brief informal comments. We will likely submit these as formal concerns prior to adoption by the RWQCB. We would appreciate it if our concerns could be addressed as part of the current informal review process prior to the formal adoption process:

- * We believe we can generally support the WDRs, however, we request that additional time be provided for review prior to formal public notice and adoption by the RWQCB. Rather than schedule final board action on the measure on the same day as the public hearing before the board, can the formal public hearing before the RWQCB be scheduled at least one month in advance of any final action to formally adopt the WDRs? That would provide the Board with more latitude to respond to public and stakeholder concerns.

- * An additional tier from 500 - 12,500 cu. yds on site should be added to the order to provide streamlined compliance standards for smaller operations. This would be consistent with the composting regulations adopted by your sister agency, the CIWMB, in their regulations. Perhaps a "performance standard" approach should be considered for this smaller range of operations. The performance standard for these smaller facilities could be worded in such a way as to require performance equivalent to the prescriptive containment standards of the proposed WDRs while giving the smaller facilities more flexibility in determining the method of compliance.

- * Likewise, the CIWMB regulations have special provisions for composting operations located at landfills. Are compost operations located at landfills subject to this proposed general order or would they be required to be included in a landfill's WDRs? Please provide guidance on this issue.

- * We support Item 25 on page 5: discharged of green waste for Use as ADC should not be subject to this order. Such discharges are more than adequately regulated by specific WDRs applicable to the individual landfills.

- * Containment and Liners. We believe such requirements are appropriate for general WDRs. It is our understanding that a compost operator could always seek individual WDRs if they wanted to use some other approach to protect water quality -- based on the individual site and climatic characteristics of the individual operation. Please confirm that this alternative of obtain individual WDRs still would be available.

- * Discharge of Liquid wastes. Given the requirement to provide a liner and containment systems to provide for compost facility protection of groundwater and the environment, more flexibility should be provided to allow for the addition of liquid wastes. Perhaps a requirement to obtain written approval from the RWQCB would be appropriate -- based on the characteristics of the waste water proposed for discharge. Water is essential for the proper operation of compost facilities. Waste waters are frequently the most cost effective way for a compost facility to meet the moisture requirements of a composting operation.

- * Odors. What is the water quality authority you are basing your regulation of odors upon? Unless such authority can be identified, we suggest provisions related to odors be deleted from the proposed WDRs. Odors at composting facilities are already subject to the jurisdiction of the CIWMB and LEAs pursuant to H&SC 41705.

- * Are compost products a waste? Your sister agency the CIWMB regulates solid wastes -- including green materials that are derived from the waste stream. However, the CIWMB does not use the term waste -- and instead refers to green "materials". Likewise you are concerned about discharges of waste products from the green material -- not the green material itself. These WDRs would be more palatable to the compost industry if you could similarly use the term "material" instead of waste -- while still focusing on your primary concern -- the discharge of wastes from the material that could impact water quality.

Thank you for the opportunity to submit these informal comments as part of your informal review. Please

call me if you wish to discuss further or if you have any questions. If the above concerns can be adequately addressed, I believe WM can be a strong supporter of these proposed regulations.

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